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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR 10-00525 SBA
	)	
12 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER
13 vs.	)	
	)	Date: January 20, 2011
14 RODEL MILLANES,	)	Time: 9:30 a.m.
	)	Courtroom: 4
15 Defendant.	)	
	)	
16		

17 The above-captioned matter is set on January 20, 2011 before the Honorable Donna M.  
18 Ryu for a change of plea. The parties jointly request that this Court continue the matter to  
19 January 27, 2011, at 2:00 p.m. for a change of plea. The parties further request that the Court  
20 exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between  
21 January 20, 2011 and January 27, 2011.

22 Mr. Millanes is charged in a one-count indictment with a violation of 18 U.S.C. 1038(a) –  
23 False Information and Hoaxes. He has not yet made his initial appearance before the district  
24 court. The status of the matter is that the government has provided the defense with discovery,  
25 and both the defense and the government are conducting investigation. In addition, the defense is  
26 performing legal research on issues relating to the charged offense in order to effectively prepare

1 this case. Finally, the parties anticipate a plea agreement, but the agreement is not yet finalized.

2 The requested continuance will allow the parties time to perform investigation, will  
3 permit the defense time to complete the necessary legal research, and will permit the parties to  
4 finalize their plea agreement. The failure to grant such a continuance would unreasonably deny  
5 counsel the reasonable time necessary for effective preparation, taking into account the exercise  
6 of due diligence.

7 The parties further stipulate and agree that the time between January 20, 2011 and  
8 January 27, 2011, should be excluded in accordance with the provisions of the Speedy Trial Act,  
9 18 U.S.C. §§ 3161(h)(7)(A), on the basis that the ends of justice are served by taking such action  
10 which outweigh the best interest of the public and the defendant in a speedy trial and also under  
11 18 U.S.C. § 3161(h)(7)(B)(iv) for effective preparation of counsel, taking into account the  
12 exercise of due diligence.

13  
14 DATED: January 19, 2011

/S/  
TREVOR RUSIN  
Special Assistant United States Attorney

15  
16 DATED: January 19, 2011

/S/  
COLLEEN MARTIN  
Assistant Federal Public Defender

## 17 18 19 ORDER

20 GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, IT IS  
21 HEREBY ORDERED that the status date in this case, currently scheduled for January 20, 2011,  
22 before the duty magistrate judge is VACATED and RESET to January 27, 2011, at 2:00 p.m.  
23 for a status or change of plea before the duty magistrate judge.

24 IT IS FURTHER ORDERED that the time from January 20, 2011, to January 27, 2011,  
25 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§  
26 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends of

1 justice served by the granting of the continuance outweigh the best interests of the public and the  
2 defendant in a speedy and public trial and the failure to grant the requested continuance would  
3 unreasonably deny counsel the reasonable time necessary for effective preparation, taking into  
4 account due diligence, given the need for the parties to conduct investigation and the need for the  
5 defense to conduct legal research.

6 SO ORDERED.

7  
8 DATED: 1/19/11



9 DONNA M. RYU  
United States Magistrate Judge